APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,099	09/22/2003	Andrew R. Volk	694231.0118	6282

32361 7590 04/04/2007 GREENBERG TRAURIG, LLP MET LIFE BUILDING 200 PARK AVENUE NEW YORK, NY 10166	**EXAMINER** LE, MIRANDA

ART UNIT	PAPER NUMBER
2167	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/670,099	VOLK ET AL.
	Examiner	Art Unit	
	Miranda Le	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1)☒ Responsive to communication(s) filed on <u>02 February 2007</u>.
- 2a)☐ This action is **FINAL.** 2b)☐ This action is non-final.
- 3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4)☒ Claim(s) <u>1-17 and 20-36</u> is/are pending in the application.
  - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5)☐ Claim(s) _____ is/are allowed.
- 6)☒ Claim(s) <u>1-17 and 20-36</u> is/are rejected.
- 7)☐ Claim(s) _____ is/are objected to.
- 8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9)☐ The specification is objected to by the Examiner.
- 10)☒ The drawing(s) filed on <u>22 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)☐ All b)☐ Some * c)☐ None of:
    - 1.☐ Certified copies of the priority documents have been received.
    - 2.☐ Certified copies of the priority documents have been received in Application No. _____.
    - 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  - * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>02/02/07</u>.
- 4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is responsive to Amendment, filed 02/02/07.

Claims 1-17, 20-36 are pending in this application.   This action is made Final.

The rejection of claims 1-16, 20-35 by 35 U.S.C. §101 has been withdrawn in view of the

amendment.

Information Disclosure Statement

2.   Applicants' Information Disclosure Statement, filed 02/02/07, has been received, entered

into the record, and considered. See attached form PTO-1449.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. § 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions
and requirements of this title".

4.   Claims 17, 36 are rejected under 35 U.S.C. § 101 because the claimed invention is directed

to non-statutory subject matter.

Claim 17 fails to fall within a category of patentable subject matter set forth in 35 U.S.C.

101. Merely claiming nonfunctional descriptive material, i.e. abstract ideas, store in a computer-

readable medium, in a computer, on an electromagnetic carrier signal does not make it statutory.

Specifically, the specification, paragraph [0134], defines "computer-readable medium" as

including both storage media (i.e., ROM, RAM) and communication media (i.e., carrier waves).

A computer-readable medium including a carrier wave, or signal, is non-statutory subject matter

as set forth in MPEP 2106 (IV)(B)(2)(a). As such, claim 17 is not limited to tangible

embodiments, the claim is not limited to statutory subject matter and is therefore non-statutory.

Claim 36 incorporates the deficiencies of claim 17 and does not add tangibility to the

claimed subject matter, it is likewise rejected.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before
the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention
by the applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States only
if the international application designated the United States and was published under Article 21(2) of such
treaty in the English language.

6.   Claims 4-17, 28-30, 34-36 are rejected under 35 U.S.C. 102(e) as being anticipated by

Balabanovic et al. (US Patent No. 6,976,229).

Balabanovic anticipated independent claims 4, 7, 12, 17, 28 by the following:

As per claim 4, Balabanovic teaches a system for providing media content in a network

comprising one or more servers configured to:

associate metadata attributes *(i.e. The XML metadata file for story 500 points to two other*

stories, "meta3.xml" 505 and "meta5.xml" 510. Note that each metadata file has an associated

"type" attribute having a value of either "story" or "document" indicates single object, col. 10,

lines 21-39) form within a defined set of metadata attributes with a plurality of media files *(i.e.*
the system may create a movie file using the images and the associated audio clips in
synchronization with each other, just as they are shown on the system when the user presses the
play button, col. 11, lines 34-49);

utilize the metadata attributes to map the plurality of media files to an interface *(i.e. The*
third area of the visual interface displays a representation of one or more audio clips and other
information associated with the image being displayed in the second area of the visual interface,
col. 1, lines 40-56);; and

map each of said associated metadata attributes to a respective predetermined location in
said interface, such that each of said associated media attributes appears in its respective
predetermined location in said interface for each media file of said plurality of media files *(i.e.*
The third area of the visual interface displays a representation of one or more audio clips and
other information associated with the image being displayed in the second area of the visual
interface, col. 1, lines 40-56).

As per claim 7, Balabanovic teaches a method of providing media to a plurality of users
over a network comprising:

compiling a data file that contains one or more unique identifiers which identify one or
more media files *(i.e. The XML metadata file for story 500 points to two other stories,*
"meta3.xml" 505 and "meta5.xml" 510. Note that each metadata file has an associated "type"
attribute having a value of either "story" or "document" indicates single object, col. 10, lines 21-
39);

determining whether a user-selectable autoplay function is engaged for a given one of said plurality of users *(i.e. pressing the play button enables the system to play both the audio segment and the video clip synchronized with each other. The system then moves on to a next clip of the story, col. 11, lines 50-67);*

in a case that the autoplay function is determined to be engaged, determining a sequence in which said user is to experience media content corresponding to one or more media files based on an ordering of said unique identifiers in the data file *(i.e. Each "album" is an ordered set of "songs", col. 12, lines 26-38);*

in a case that the autoplay function is determined to be disengaged, determining the sequence in which said user is to experience media content corresponding to said one or more media files based on input from the user and without regard to the ordering of said unique identifiers in the data file *(i.e. The second track represents the user's "playlists" (e.g., the user's own sequences of songs to be played). In this case, there is a default visual representation for each song, or the user chooses relevant icons, or a Web service provides icons to match artist names, song titles or album titles, col. 12, lines 26-38).*

As per claim 12, Balabanovic teaches a system for providing media content to a plurality of users comprising one or more servers configured to:

compile a data file *(i.e. combine multiple forms of media into integrated stories. An example of an authored object is a sequence of photographs with an audio, or narration, clip associated with or accompanying the photographs, col. 3, lines 40-49)* that contains one or more unique identifiers which identify one or more pieces of content *(i.e. The XML metadata file for*

story 500 points to two other stories, "meta3.xml" 505 and "meta5.xml" 510. Note that each

metadata file has an associated "type" attribute having a value of either "story" or "document"

indicates single object, col. 10, lines 21-39);

determining whether a user-selectable autoplay function is engaged for a given one of

said plurality of users *(i.e. pressing the play button enables the system to play both the audio*

segment and the video clip synchronized with each other. The system then moves on to a next clip

of the story, col. 11, lines 50-67);

in a case that the autoplay function is determined to be engaged, determining a sequence

in which said user is to experience media content corresponding to said one or more pieces of

content based on an ordering of said unique identifiers in the data file *(i.e. Each "album" is an*

ordered set of "songs", col. 12, lines 26-38);

in a case that the autoplay function is determined to be disengaged, determining the

sequence in which said user is to experience media content corresponding to said one or more

pieces of content based on input from the user and without regard to the ordering of said unique

identifiers in the data file *(i.e. The second track represents the user's "playlists" (e.g., the user's*

own sequences of songs to be played). In this case, there is a default visual representation for

each song, or the user chooses relevant icons, or a Web service provides icons to match artist

names, song titles or album titles, col. 12, lines 26-38).

As per claim 17, Balabanovic teaches a computer readable medium comprising computer

code for providing content to a user over a network, the computer code to configure one or more

processors to:

compile a data file *(i.e. combine multiple forms of media into integrated stories. An example of an authored object is a sequence of photographs with an audio, or narration, clip associated with or accompanying the photographs, col. 3, lines 40-49)* that contains one or more unique identifiers which identify one or more pieces of content *(i.e. The XML metadata file for story 500 points to two other stories, "meta3.xml" 505 and "meta5.xml" 510. Note that each metadata file has an associated "type" attribute having a value of either "story" or "document" indicates single object, col. 10, lines 21-39)*;

determining whether a user-selectable autoplay function is engaged for a given one of said plurality of users *(i.e. pressing the play button enables the system to play both the audio segment and the video clip synchronized with each other. The system then moves on to a next clip of the story, col. 11, lines 50-67)*;

in a case that the autoplay function is determined to be engaged, determining a sequence in which said user is to experience media content corresponding to said one or more pieces of content based on an ordering of said unique identifiers in the data file *(i.e. Each "album" is an ordered set of "songs", col. 12, lines 26-38)*;

in a case that the autoplay function is determined to be disengaged, determining the sequence in which said user is to experience media content corresponding to said one or more pieces of content based on input from the user and without regard to the ordering of said unique identifiers in the data file *(i.e. The second track represents the user's "playlists" (e.g., the user's own sequences of songs to be played). In this case, there is a default visual representation for each song, or the user chooses relevant icons, or a Web service provides icons to match artist names, song titles or album titles, col. 12, lines 26-38)*.

As per claim 28, Balabanovic teaches a system for providing media content in a network

comprising one or more servers configured to:

associate *(i.e. The XML metadata file for story 500 points to two other stories,*

"meta3.xml" 505 and "meta5.xml" 510. Note that each metadata file has an associated "type"

attribute having a value of either "story" or "document" indicates single object, col. 10, lines 21-

39) metadata attributes form within a defined set of metadata attributes with each of said

plurality of media files *(i.e. the system may create a movie file using the images and the*

associated audio clips in synchronization with each other, just as they are shown on the system

when the user presses the play button, col. 11, lines 34-49);

utilize the metadata attributes to map the plurality of media files to an interface for

display on a user computer, said interface comprising a region to display media content of said

plurality of media files *(i.e. The first area displays three tracks of images. One track displays*

images that are stored on the device. A second track displays images of authored stories. The

third track displays one or more images associated with a story currently being authored on the

device, col. 1, lines 4-56), selectable indicia corresponding to one or more playlists *(i.e. stories,*

or playlists, col. 3, lines 18-39), a region to display indicia of each media file identified by a

selected one or said playlists *(i.e. The second area of the visual interface displays a larger*

version of an image corresponding to a thumbnail image selected in any of the three tracks in the

first area, col. 1, lines 4-56), and a region to display selectable indicia of an autoplay function

configured to control an order in which each media file identified by a selected one of said

playlists is to be experienced using said interface *(i.e. The third area of the visual interface*

displays a representation of one or more audio clips and other information associated with the

image being displayed in the second area of the visual interface, col. 1, lines 40-56; pressing the

play button enables the system to play both the audio segment and the video clip synchronized

with each other. The system then moves on to a next clip of the story, col. 11, lines 50-67);

map each of said associated metadata attributes to a respective predetermined location in

said interface, so that, in said interface for said user, each of said associated metadata attributes

appears as its respective predetermined location in said interface for each media file of said

plurality of media files *(i.e. The third area of the visual interface displays a representation of one*

or more audio clips and other information associated with the image being displayed in the

second area of the visual interface, col. 1, lines 40-56).

As per claim 5, Balabanovic teaches the system further comprising: a local database for

storing the metadata attributes *(i.e. The storage component stores digital media objects which*

are displayed by the display component. The system provides the interaction component (e.g.,

control buttons) that allow a user to navigate the digital media objects and create stories, or

playlists, col. 3, lines 18-39).

As to claims 6, 11, 16, Balabanovic teaches the plurality of media files is provided by

more than one source *(i.e. New objects may be input into the system automatically without*

requiring any action from the user. New objects are input into the system using one or more

sources, such as, for example, on flash memory cards containing digital photographs, video

capture camera, reading digital photographs or video clips from floppy or CD-ROM drives,

network (e.g., Web) downloads, etc. In one embodiment, the user inserts a flash memory card

into a slot in the system and the photographs from the flash memory card are automatically

copied and stored in the system, col. 3, lines 50-64).

As per claim 8, Balabanovic teaches the data file is automatically compiled based on

some criteria (i.e. In one embodiment, stories and metadata about photographs are stored on the

storage device in Extensible Markup Language (XML). FIG. 4 illustrates an exemplary XML

metadata file that the system reads during initialization. The initializing metadata file 400 is

stored in a predetermined known location on the storage device, col. 10, lines 1-20).

As to claims 9, 14, Balabanovic teaches the data file is automatically compiled based on

criteria chosen by one of the plurality of users (i.e. the initializing metadata file also maintains

further administrative functions, such as, for example, user ids and passwords to prevent

unauthorized viewing of personal stories. In one embodiment, the initialization file contains user

specific information, col. 10, lines 1-20).

As to claims 10, 15, Balabanovic teaches the data file is compiled manually (i.e. The

digital media may include raw objects, such as, for example individual photographs, as well as

authored objects that combine multiple forms of media into integrated stories. An example of an

authored object is a sequence of photographs with an audio, or narration, clip associated with

or accompanying the photographs. In one embodiment, the time of capture for an object is

known and is stored along with the object in the system, col. 3, lines 40-49).

As per claim 13, Balabanovic teaches the data file is automatically compiled *(i.e. In one embodiment, stories and metadata about photographs are stored on the storage device in Extensible Markup Language (XML). FIG. 4 illustrates an exemplary XML metadata file that the system reads during initialization. The initializing metadata file 400 is stored in a predetermined known location on the storage device, col. 10, lines 1-20).*

As per claim 29, Balabanovic teaches said autoplay function is configured to control whether said order in which each of said plurality of media files identified by a selected one of said playlists or based on user input *(i.e. Each "album" is an ordered set of "songs". The second track represents the user's "playlists" (e.g., the user's own sequences of songs to be played). In this case, there is a default visual representation for each song, or the user chooses relevant icons, or a Web service provides icons to match artist names, song titles or album titles, col. 12, lines 26-38).*

As per claim 30, Balabanovic teaches said user input comprises selection of one or more said indicia of said plurality of media files identified by a selected one of said playlists *(i.e. Each "album" is an ordered set of "songs". The second track represents the user's "playlists" (e.g., the user's own sequences of songs to be played). In this case, there is a default visual representation for each song, or the user chooses relevant icons, or a Web service provides icons to match artist names, song titles or album titles, col. 12, lines 26-38).*

As to claims 34, 35, 36, Balabanovic teaches determining media content other than said

media content corresponding to said one or more files for said user to experience while waiting

for said user input *(i.e. Each "album" is an ordered set of "songs". The second track represents*

the user's "playlists" (e.g., the user's own sequences of songs to be played). In this case, there is

a default visual representation for each song, or the user chooses relevant icons, or a Web

service provides icons to match artist names, song titles or album titles, col. 12, lines 26-38).

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

        This application currently names joint inventors. In considering patentability of the
claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various
claims was commonly owned at the time any inventions covered therein were made absent any
evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out
the inventor and invention dates of each claim that was not commonly owned at the time a later
invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)
and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8.   Claims 1-3, 20-22, 24-27, 31-33 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Balabanovic et al. (US Patent No. 6,976,229), in view of Bernardo et al. (US

Patent No. 6,185,587).

        As per claim 1, Balabanovic teaches a system for providing media content in a network

comprising one or more servers *(i.e. a web server and assigned a unique URL, col. 10, lines 50-*

67);

configured to:

generate an interface *(i.e. XML, col. 10, lines 50-67, visual interface, col. 1, lines 40-56)* on said network *(i.e. The file may then be uploaded to a web server and assigned a unique URL, col. 10, lines 50-67)* for display on a user computer *(i.e. A method and system that combines capabilities for storing, authoring, and viewing various forms of digital media are described. In one embodiment, a visual interface having three areas is provided, col. 1, lines 40-56);*

define a set of metadata attributes relating to media files to be displayed in specific locations in said interface *(i.e. the system may create a movie file using the images and the associated audio clips in synchronization with each other, just as they are shown on the system when the user presses the play button, col. 11, lines 34-49);*

compile *(i.e. combine multiple forms of media into integrated stories. An example of an authored object is a sequence of photographs with an audio, or narration, clip associated with or accompanying the photographs, col. 3, lines 40-49)* a plurality of media files for user with said interface *(i.e. The XML metadata file for story 500 points to two other stories, "meta3.xml" 505 and "meta5.xml" 510. Note that each metadata file has an associated "type" attribute having a value of either "story" or "document" indicates single object, col. 10, lines 21-39);*

associate metadata attributes from the set of metadata attributes with each of said plurality of media files *(i.e. The XML metadata file for story 500 points to two other stories, "meta3.xml" 505 and "meta5.xml" 510. Note that each metadata file has an associated "type" attribute having a value of either "story" or "document" indicates single object, col. 10, lines 21-39);*

map each of said associated metadata attributes to a respective predetermined location in

said interface, so that in said interface for said user each of said associated metadata attributes

appears as its respective predetermined location in said interface for each of said media files of

said plurality *(i.e. The third area of the visual interface displays a representation of one or more*

audio clips and other information associated with the image being displayed in the second area

of the visual interface, col. 1, lines 40-56).

Balabanovic does not specifically teach generate an interface at a site on said network.

Bernardo teaches generate an interface at a site on said network *(i.e. Another object of the*

invention is to provide a software tool for creating web sites where the tool itself can be used by

the tool developer or a person creating a web site using the tool to create HTML-formatted help

documents based on a library of stored HTML-formatted templates associated with the tool, col.

2, lines 46-51).

It would have been obvious to one of ordinary skill of the art having the teaching of

Balabanovic and Bernardo at the time the invention was made to modify the system of

Balabanovic to include the limitations as taught by Bernardo.

One of ordinary skill in the art would be motivated to make this combination in order to

allow a user to navigate and access other objects including other objects on the current

referencing page, other pages of the current Web site and objects and pages on other Web sites in

view of Bernardo *(col. 1, lines 48-60),* as doing so would give the added benefit of being able to

present other media and multimedia material such as audio and video, and link to other objects

including other Web pages as taught by Bernardo *(col. 1, lines 33-59).*

As per claim 24, Balabanovic teaches a method of providing media content in a network

comprising the steps of:

generate an interface *(i.e. XML, col. 10, lines 50-67, visual interface, col. 1, lines 40-56)*

on said network *(i.e. The file may then be uploaded to a web server and assigned a unique URL,*

col. 10, lines 50-67) for display on a user computer *(i.e. A method and system that combines*

capabilities for storing, authoring, and viewing various forms of digital media are described. In

one embodiment, a visual interface having three areas is provided, col. 1, lines 40-56);

authenticating said user's authorization to access certain media content *(i.e. user ids and*

passwords to prevent unauthorized viewing of personal stories. In one embodiment, the

initialization file contains user specific information. In another embodiment, the system assumes

a single user, col. 10, lines 1-20);

defining a set of media attributes relating to media files to be displayed in specific

locations in said interface *(i.e. the system may create a movie file using the images and the*

associated audio clips in synchronization with each other, just as they are shown on the system

when the user presses the play button, col. 11, lines 34-49);

compiling a plurality of media files *(i.e. combine multiple forms of media into integrated*

stories. An example of an authored object is a sequence of photographs with an audio, or

narration, clip associated with or accompanying the photographs, col. 3, lines 40-49) for use

with said interface, wherein said plurality of media comprises only the user's authorized media

content *(i.e. The XML metadata file for story 500 points to two other stories, "meta3.xml" 505*

and "meta5.xml" 510. Note that each metadata file has an associated "type" attribute having a

value of either "story" or "document" indicates single object, col. 10, lines 21-39);

associating media attributes with each of said plurality of media files, wherein the

metadata attributes comprises a title *song titles or album titles, col. 12, lines 26-38)* for each

media file *(i.e. The XML metadata file for story 500 points to two other stories, "meta3.xml" 505*

and "meta5.xml" 510. Note that each metadata file has an associated "type" attribute having a

value of either "story" or "document" indicates single object, col. 10, lines 21-39);

mapping each of said associated metadata attributes to a respective predetermined

location in said interface, so that in said interface for said user each of said associated metadata

attributes appears at its respective predetermined location in said interface for each media file of

said plurality *(i.e. The third area of the visual interface displays a representation of one or more*

audio clips and other information associated with the image being displayed in the second area

of the visual interface, col. 1, lines 40-56).

Balabanovic does not specifically teach generate an interface at a site on said network.

Bernardo teaches generate an interface at a site on said network *(i.e. Another object of the*

invention is to provide a software tool for creating web sites where the tool itself can be used by

the tool developer or a person creating a web site using the tool to create HTML-formatted help

documents based on a library of stored HTML-formatted templates associated with the tool, col.

2, lines 46-51).

It would have been obvious to one of ordinary skill of the art having the teaching of

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Balabanovic to include the limitations as taught by Bernardo.

One of ordinary skill in the art would be motivated to make this combination in order to

allow a user to navigate and access other objects including other objects on the current

referencing page, other pages of the current Web site and objects and pages on other Web sites in

view of Bernardo *(col. 1, lines 48-60)*, as doing so would give the added benefit of being able to

present other media and multimedia material such as audio and video, and link to other objects

including other Web pages as taught by Bernardo *(col. 1, lines 33-59)*.

As per claim 25, Balabanovic teaches a system for providing media content in a network

comprising one or more servers configured to:

generating an interface on said network for display on a user computer, said interface

comprising a region to display media content of a plurality of media files *(i.e. The third area of*

the visual interface displays a representation of one or more audio clips and other information

associated with the image being displayed in the second area of the visual interface, col. 1, lines

40-56), selectable indicia corresponding to one or more playlists *(i.e. stories, or playlists, col. 3,*

lines 18-39), a region to display indicia of each of said plurality of media files identified by a

selected one of said playlists *(i.e. The second area of the visual interface displays a larger*

version of an image corresponding to a thumbnail image selected in any of the three tracks in the

first area, col. 1, lines 4-56), and a region to display selectable indicia of an autoplay function

configured to control an order in which each of said plurality of media files identified by a

selected one of said playlists is to be experienced using said interface *(i.e. The third area of the*

visual interface displays a representation of one or more audio clips and other information

associated with the image being displayed in the second area of the visual interface, col. 1, lines

40-56);

defining a set of metadata attributes to be displayed in specific location in said interface

(i.e. the system may create a movie file using the images and the associated audio clips in

synchronization with each other, just as they are shown on the system when the user presses the

play button, col. 11, lines 34-49);

compile *(i.e. combine multiple forms of media into integrated stories. An example of an*

authored object is a sequence of photographs with an audio, or narration, clip associated with

or accompanying the photographs, col. 3, lines 40-49) said plurality of media files *(i.e. The XML*

metadata file for story 500 points to two other stories, "meta3.xml" 505 and "meta5.xml" 510.

Note that each metadata file has an associated "type" attribute having a value of either "story"

or "document" indicates single object, col. 10, lines 21-39);

associate metadata attributes form the set of metadata attributes with each of said

plurality of media files *(i.e. The XML metadata file for story 500 points to two other stories,*

"meta3.xml" 505 and "meta5.xml" 510. Note that each metadata file has an associated "type"

attribute having a value of either "story" or "document" indicates single object, col. 10, lines 21-

39);

map each of said associated metadata attributes to a respective predetermined location in

said interface, so that, in said interface for said user, each of said associated metadata attributes

appears as its respective predetermined location in said interface for each media file of said

plurality of media files *(i.e. The third area of the visual interface displays a representation of one*

or more audio clips and other information associated with the image being displayed in the

second area of the visual interface, col. 1, lines 40-56).

Balabanovic does not specifically teach generate an interface at a site on said network.

Bernardo teaches generate an interface at a site on said network *(i.e. Another object of the*

invention is to provide a software tool for creating web sites where the tool itself can be used by

the tool developer or a person creating a web site using the tool to create HTML-formatted help

documents based on a library of stored HTML-formatted templates associated with the tool, col.

2, lines 46-51).

It would have been obvious to one of ordinary skill of the art having the teaching of

Balabanovic and Bernardo at the time the invention was made to modify the system of

Balabanovic to include the limitations as taught by Bernardo.

One of ordinary skill in the art would be motivated to make this combination in order to

allow a user to navigate and access other objects including other objects on the current

referencing page, other pages of the current Web site and objects and pages on other Web sites in

view of Bernardo *(col. 1, lines 48-60),* as doing so would give the added benefit of being able to

present other media and multimedia material such as audio and video, and link to other objects

including other Web pages as taught by Bernardo *(col. 1, lines 33-59).*

As per claim 31, Balabanovic teaches a method of providing media content in a network

comprising the steps of:

generating an interface on said network for display on a user computer, said interface

comprising a region to display media content of a plurality of media files *(i.e. The first area*

displays three tracks of images. One track displays images that are stored on the device. A

second track displays images of authored stories. The third track displays one or more images

associated with a story currently being authored on the device, col. 1, lines 4-56), selectable

indicia corresponding to one or more playlists *(i.e. stories, or playlists, col. 3, lines 18-39)*, a

region to display indicia of each of said plurality of media files identified by a selected one of

said playlists *(i.e. The second area of the visual interface displays a larger version of an image*

corresponding to a thumbnail image selected in any of the three tracks in the first area, col. 1,

lines 4-56), and a region to display selectable indicia of an autoplay function configured to

control an order in which each of said plurality of media files identified by a selected one of said

playlists *(i.e. stories, or playlists, col. 3, lines 18-39)* is to be experienced using said interface

(i.e. The third area of the visual interface displays a representation of one or more audio clips

and other information associated with the image being displayed in the second area of the visual

interface, col. 1, lines 40-56);

authenticating said user's authorization to access certain media content *(i.e. user ids and*

passwords to prevent unauthorized viewing of personal stories. In one embodiment, the

initialization file contains user specific information. In another embodiment, the system assumes

a single user, col. 10, lines 1-20);

defining a set of metadata attributes to be displayed in specific location in said interface

(i.e. the system may create a movie file using the images and the associated audio clips in

synchronization with each other, just as they are shown on the system when the user presses the

play button, col. 11, lines 34-49);

compiling said plurality of media files *(i.e. combine multiple forms of media into*

integrated stories. An example of an authored object is a sequence of photographs with an audio,

or narration, clip associated with or accompanying the photographs, col. 3, lines 40-49) for use

with said interface *(i.e. The XML metadata file for story 500 points to two other stories,*

"meta3.xml" 505 and "meta5.xml" 510. Note that each metadata file has an associated "type"

attribute having a value of either "story" or "document" indicates single object, col. 10, lines 21-

39);

associating metadata attributes from the set of metadata attributes with each of said

plurality of media files, wherein the metadata attributes comprises a title *(i.e. song titles or album*

titles, col. 12, lines 26-38) for each media file *(i.e. The XML metadata file for story 500 points to*

two other stories, "meta3.xml" 505 and "meta5.xml" 510. Note that each metadata file has an

associated "type" attribute having a value of either "story" or "document" indicates single

object, col. 10, lines 21-39);

map each of said associated metadata attributes to a respective predetermined location in

said interface, so that, in said interface for said user, each of said associated metadata attributes

appears as its respective predetermined location in said interface for each media file of said

plurality *(i.e. The third area of the visual interface displays a representation of one or more*

audio clips and other information associated with the image being displayed in the second area

of the visual interface, col. 1, lines 40-56);

filtering said plurality of media files based on said user's authorization to access certain

media content such that said user interface includes selectable indicia for only those media files

corresponding to said certain media content *(i.e. user ids and passwords to prevent unauthorized*

viewing of personal stories. In one embodiment, the initialization file contains user specific

information. In another embodiment, the system assumes a single user, col. 10, lines 1-20).

Balabanovic does not specifically teach generate an interface at a site on said network.

Bernardo teaches generate an interface at a site on said network *(i.e. Another object of the*

invention is to provide a software tool for creating web sites where the tool itself can be used by

the tool developer or a person creating a web site using the tool to create HTML-formatted help

documents based on a library of stored HTML-formatted templates associated with the tool, col.

2, lines 46-51).

It would have been obvious to one of ordinary skill of the art having the teaching of

Balabanovic and Bernardo at the time the invention was made to modify the system of

Balabanovic to include the limitations as taught by Bernardo.

One of ordinary skill in the art would be motivated to make this combination in order to

allow a user to navigate and access other objects including other objects on the current

referencing page, other pages of the current Web site and objects and pages on other Web sites in

view of Bernardo *(col. 1, lines 48-60),* as doing so would give the added benefit of being able to

present other media and multimedia material such as audio and video, and link to other objects

including other Web pages as taught by Bernardo *(col. 1, lines 33-59).*

As per claim 2, Balabanovic teaches the plurality of media files is compiled from more

than one source *(i.e. combine multiple forms of media into integrated stories. An example of an*

authored object is a sequence of photographs with an audio, or narration, clip associated with

or accompanying the photographs, col. 3, lines 40-49).

As per claim 3, Balabanovic teaches the one or more servers are further configured to

generate a media player interface for experiencing the media content *(i.e. the user would also*

have the option of electronically sending a completed story to another user for viewing on a

similar system or on a regular PC via a media player application or standard Web browser. In

another embodiment, a "print" button allows the user to print a selected image on a locally

connected, via wire or wireless technology, printer or a remote device, col. 9, lines 39-54).

As per claim 20, Balabanovic teaches said metadata attributes comprise a title for the

media file *(i.e. song titles or album titles, col. 12, lines 26-38).*

As per claim 21, Balabanovic teaches said metadata attributes comprise a description for

the media file *(i.e. authored objects that combine multiple forms of media into integrated stories.*

An example of an authored object is a sequence of photographs with an audio, or narration, clip

associated with or accompanying the photographs. In one embodiment, the time of capture for

an object is known and is stored along with the object in the system, col. 3, lines 40-49).

As per claim 22, Balabanovic teaches said metadata attributes comprise a duration for

the media file *(i.e. authored objects that combine multiple forms of media into integrated stories.*

An example of an authored object is a sequence of photographs with an audio, or narration, clip

associated with or accompanying the photographs. In one embodiment, the time of capture for

an object is known and is stored along with the object in the system, col. 3, lines 40-49).

As to claims 26, 32, Balabanovic teaches said autoplay function is configured to control

whether said order in which each of said plurality of media files identified by a selected one of

said playlists or based on user input *(i.e. Each "album" is an ordered set of "songs". The second track represents the user's "playlists" (e.g., the user's own sequences of songs to be played). In this case, there is a default visual representation for each song, or the user chooses relevant icons, or a Web service provides icons to match artist names, song titles or album titles, col. 12, lines 26-38).*

As to claims 27, 33, Balabanovic teaches said user input comprises selection of one or more said indicia of said plurality of media files identified by a selected one of said playlists *(i.e. Each "album" is an ordered set of "songs". The second track represents the user's "playlists" (e.g., the user's own sequences of songs to be played). In this case, there is a default visual representation for each song, or the user chooses relevant icons, or a Web service provides icons to match artist names, song titles or album titles, col. 12, lines 26-38).*

8.   Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Balabanovic et al. (US Patent No. 6,976,229), in view of Bernardo et al. (US Patent No. 6,185,587), and further in view of Kenner et al. (US Patent No. 5,956,716).

As per claim 23, Balabanovic, Bernardo do not specifically teach the system of claim 1 wherein said metadata attributes comprise an expiration date for the media file.

Kenner teaches a metadata attributes comprise an expiration date for the media file *(i.e. the location and filename of each clip, and attributes such as subject matter, rating, file size, expiration date, charge information, etc. For clips not on an extended SRU 66, another IM database maintains a reduced level of information about every IM, namely the Internet address*

of the IM and the content coordinates of all audio-video files that it maintains, col. 4, lines 35-42).

It would have been obvious to one of ordinary skill of the art having the teaching of Balabanovic, Bernardo and Kenner at the time the invention was made to modify the system of Balabanovic, Bernardo to include the limitations as taught by Kenner.

One of ordinary skill in the art would be motivated to make this combination in order to determine if downloading the desired clip will cause the user to exceed his charge limit in view of Kenner *(col. 24, lines 34-58),* as doing so would give the added benefit of providing a video clip storage and retrieval system whereby the user receives comprehensive data collected from one or more databases by request from a user's multimedia terminal as taught by Kenner *(col. 24, lines 34-58).*

Response to Arguments

9.   Applicant's arguments regarding the cited arts do not disclose the claimed invention with respect to claims 1-17, 20-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham, can be reached on (571) 272-7079. The fax number to this Art Unit is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Miranda Le
March 30, 2007